Department of Social Services Division of Licensing Programs	TITLE: LICENSING PROCESS	PROCEDURE NUMBER SOP-201
STANDARD OPERATING	LICENSING PROCESS	EFFECTIVE DATE: August 2, 2005
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201-1.0 PURPOSE

To establish a standardized system for receiving inquiries about licensure, communicating relevant information to potential applicants, processing applications, and issuing licenses to facilities and programs regulated by the Division of Licensing Programs (DOLP).

201-2.0 SCOPE

This standard operating procedure applies to licensing administrators, licensing representatives, and licensing technicians as they interact with potential licensees and evaluate whether to license applicants for any of the adult and children's programs. It also outlines procedures relating to training prior to licensure.

201-3.0 **DEFINITIONS**

<u>Abandonment of application</u>: When an applicant fails to pursue licensure in a timely manner.

<u>DOLPHIN</u> (<u>Division Of Licensing Programs Help and Information Network</u>): The Division's data system that manages information about applicants and licensed providers and serves as a tool for the work of licensing staff.

<u>Licensing representative</u>: This usually refers to the staff delegated to provide ongoing regulatory oversight for a facility by the appropriate licensing office or unit. With proper designation by the licensing administrator or division management, however, staffs conducting such regulatory activities may be: staffs who perform similar functions for other facilities or licensing offices; a member of the division's central staff; or, a non-VDSS employee approved by the commissioner or division director.

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<u>Licensing Trainer (a.k.a. Inspector Trainer)</u>: The individual assigned in each licensing office to coordinate pre-application and/or pre-licensure training for inquirers and applicants.

<u>Pre-application Training (a.k.a. Phase I or Part 1)</u>: Training offered by licensing office staff to potential applicants to operate one of the Division's adult or children's programs. The training is given early in the licensing process, to introduce participants to licensure and to assist them in deciding whether to submit an application.

<u>Pre-licensure Training (a.k.a. Phase II or Part 2)</u>: An orientation program offered by licensing office staff to potential licensees that focuses on key health and safety standards, as well as residents' rights (for the assisted living program).

Preliminary approval statement (previously "declaratory statement"):

A notification given to an applicant or prospective applicant from a licensing office indicating that specific aspects of a written proposal to open or renovate a facility are in compliance with applicable code (from § 63.2, chapters 17-18) and regulations. The purpose is to advise the applicant of whether an existing or proposed structure may be licensed.

201-4.0 PROCEDURES

The Division of Licensing Programs will assist serious inquirers for licensure in any of the adult or children's programs with submitting an application and preparing to begin operations. Licensing office staff will provide general information to inquirers, an application upon request, orientation to key aspects of licensure, consultation services, timely processing of applications, and issuance of new licenses. Licensing administrators and representatives shall follow established procedures designed to discourage continuation by applicants who will likely not be able to provide care at the standard required by code and regulations, while at the same time prepare applicants with strong potential for success. In either case, within 60 days from receipt of a complete application the licensing office shall notify the applicant of its decision to issue or deny a license to begin operations in an adult or children's program.

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201-4.1 Inquiries and New Applications:

201-4.1.1 Inquiry

1. Each licensing office shall establish a protocol for handling and documenting inquiries from individuals considering licensure in one of the Division's programs.

NOTE: The protocol shall include provisions for recording and tracking information about the inquirer.

- 2. The licensing administrator, licensing representative, or licensing technician who has the initial contact with the inquirer shall provide:
 - a. General information about licensing;
 - b. An introduction to pre-application training, with contact and scheduling information;

NOTE: The licensing staff member shall indicate to the inquirer that applications will be available at the pre-application training.

- Information about pre-application consultation with a licensing representative and required training (pre-licensure training) for all new applicants;
- Notification that applications for new facilities must be completed and submitted to the licensing office at least 60 days prior to a planned date of opening;
- e. An application packet for any adult or children's programs, if specifically requested; and
 - The licensing staff member shall indicate to individuals who make a direct request that applications can be mailed to them or obtained on the web at: http://www.dss.state.va.us/form/index.html.
 - The packet shall include an application, information about criminal background checks, chapters 17-18 of *Code of Virginia* § 63.2, and a copy of both *General Procedures and Information for Licensure* and applicable standards.

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f. A follow-up letter to the inquirer that includes information about preapplication and pre-licensure training, licensing fees, and general expectations about completing an application. (See sample in Attachment A.)

NOTE: This may be mailed to the inquirer or hand-delivered at pre-application training.

201-4.1.2 Pre-application Stage

- 1. The licensing trainer shall conduct pre-application training for all interested inquirers within 45 days and shall include:
 - a. An introduction to relevant code and regulation for the specific adult or children's program as well as *General Procedures and Information for Licensure*;
 - b. General guidance to help the potential applicant determine whether to pursue licensure, including topics such as the approval of a building, finding a qualified director, selecting qualified staff, garnering necessary financial resources, establishing an adequate customer base, and developing the capacity for records management; and

NOTE: The licensing trainer shall utilize the standard curriculum developed by the central office and shall obtain approval from the assistant director of the Division for any deviations.

- c. An application, if desired, and information about mandatory prelicensure training.
- 2. The licensing office shall produce at pre-application training, or upon request from inquirers, a hardcopy of:
 - a. Code of Virginia § 63.2, chapters 17-18;
 - b. Standards for the program of interest to the applicant;
 - c. General Procedures and Information for Licensure; and
 - d. Regulations on background checks.

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- 3. The licensing administrator shall assign a licensing representative to consult with any inquirer regarding proposed building plans (or the development of policy and procedures for facility/program staff [child welfare licensing]).
- 4. The assigned licensing representative shall discuss with the potential applicant whether renovations and structural changes may be required in order to comply with licensing standards.

NOTE: This can be a formal process of evaluating a submitted proposal, in which case the licensing office shall follow procedures for preliminary approval statements (see 4.1.4, section 1)

201-4.1.3 Processing the Application

- 1. The licensing administrator shall establish a system in the licensing office to notify the applicant within 15 days of the office's receipt of application when items are missing/incomplete and instruct the individual that these items must be completed and/or submitted within 30 days.
- 2. Licensing offices shall follow procedures for processing fees collected from applicants as they are established in SOP-204 (Fee Processing).
- 3. The licensing administrator shall assign each applicant to a licensing representative according to the licensing office's procedures for allocating work assignments and managing caseloads.
- 4. The licensing representative shall address the withdrawal and abandonment of applications.
 - a. When an applicant indicates orally or in writing the wish to withdraw the application, the licensing representative shall:
 - Confirm in writing that the application will be withdrawn;
 - Indicate in DOLPHIN that the application is terminated; and
 - Follow procedures in SOP-402 (Suppression of Illegal Operations) if it appears that the applicant may be conducting operations without a license.

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- b. When an applicant cannot be located or avoids DOLP staff, the licensing representative shall:
 - Send a registered letter, return receipt requested, notifying the applicant to contact the licensing office within 14 days or the application will be terminated;
 - Terminate the application if there is no response from the applicant within 14 days or the letter is returned with no forwarding address; and
 - Indicate in DOLPHIN that the application is terminated

201-4.1.4 Evaluating the Application and Preparing for Licensure

- 1. The licensing representative shall examine the functional design features of any structures not previously used for the same purpose as the intended use of the applicant, and if appropriate issue a preliminary approval statement (see Appendix B).
 - a. The preliminary approval statement shall include the following and be forwarded to the licensing administrator:
 - Date of the inspection at proposed facility or date of the interview which led to the issuance, or date the request to review building plans was received;
 - Notice of areas determined to be in compliance;
 - Notice of areas that could not be approved or which would limit proposed capacity;
 - Notice that the statement is conditional upon there being no change in the proposal or circumstances affecting the proposal;
 - Notice that approval of physical plant is conditional upon the building meeting all applicable state and local fire, health and building regulations; and

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- Notice that the preliminary approval statement constitutes early approval only to those specified items and that it does not guarantee that the Department will issue a license.
- b. The licensing administrator shall review and sign the statement, which then shall be forwarded by the licensing representative to the applicant.

NOTE: The licensing office shall alternatively send a letter indicating disapproval of the plan, outlining areas in conflict with applicable regulations.

- c. The licensing office shall send the preliminary approval statement, when warranted, within 20 days of receipt of a complete plan and shall forward a copy to the appropriate building official.
- 2. The licensing representative shall assess the applicant's character, reputation, and financial solvency by scrutinizing submitted documentation and checking references.
- 3. The licensing representative and/or licensing trainer shall give the applicant details about scheduling to attend pre-licensure training.

NOTE: An applicant may attend pre-licensure training in a licensing office other than the one processing the application as long as there is a valid reason that pertains to scheduling or travel considerations.

- 4. The licensing trainer shall conduct pre-licensure training for each applicant within 45 days and shall include:
 - a. A thorough orientation to the key health and safety standards as defined by the Division for the appropriate program and

NOTE: The licensing trainer shall utilize a curriculum for prelicensure training approved by the assistant director of the Division.

b. Model forms that the applicant may use if the facility/program does become licensed (see http://www.dss.virginia.gov/form/index.html#provider).

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- 5. The licensing representative shall conduct an on-site inspection (see SOP-301: Conducting an Inspection) to review all standards and ensure that the new facility is in compliance with applicable statutes and rules prior to opening.
- 6. The licensing representative shall do the following, then make a recommendation to the licensing administrator about whether to license the applicant:
 - a. Review the materials from the application;
 - b. Evaluate the information gathered through research about the potential license; and
 - c. Weigh the findings from the on-site inspection (SOP-301: Conducting an Inspection).

NOTE: The licensing representative may do a second inspection prior to making a recommendation, in order to note the licensee's progress with the description of action to be taken on the violation notice, if one was issued at the first on-site inspection.

7. The licensing administrator shall discuss the recommendation with the licensing representative and make a decision about whether to approve the applicant for licensure and which type of license to issue.

NOTE: The determination about the category and duration of license is discussed in SOP-202 (Licensing Categories). The licensing representative and the licensing administrator shall confer with each other to issue the most appropriate type of license for the facility at that time.

201-4.1.5 Issuing the License

- 1. The licensing administrator shall send a cover letter with each license to an approved applicant. (See sample in Appendix C.)
- 2. The licensing technician shall generate and print the license from DOLPHIN and verify that all of the following items are correctly indicated on the license:
 - a. Terms of license;

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- Operating name of the facility/program;
- Name of the individual, partnership, association, corporation, limited liability company, or public entity sponsoring the facility/program as it appears on legal documents;
- Physical location of the facility/program;
- Mailing address (in parentheses) if different from physical address;
- Licensed capacity maximum number of children/adults who may be in care at any time;
- Age range of children for whom care may be provided (child care facilities only);
- Period of time for which the license is effective; and
- Level of care (for Assisted Living Facilities only)
- b. Any stipulations on the licensed capacity, age range, use of physical plant, and/or programs;
- c. Name, address, and telephone number of issuing licensing office;
- d. Name of Commissioner;
- e. Signature of the licensing administrator; and
- f. License number.
- 3. The licensing office shall follow procedures in SOP-501 (Adverse Enforcement Actions) to recommend a denial of an initial application for licensure.

NOTE: Denial letters are signed and distributed by the director of the Division.

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201-4.2 Renewal Applications:

201-4.2.1 Notifying the Licensee About Renewal

- 1. The licensing technician shall send an application for renewal to each licensee a minimum of 60 days prior to the expiration date of the current license.
- 2. The licensing technician shall send with the license a cover letter, generated by DOLPHIN, to remind the applicant of the importance of applying for renewal in a timely manner.

201-4.2.2 Processing, Evaluating, and Issuing a License

1. The licensing office shall follow procedures in 4.1.3 for processing renewal applications.

NOTE: The licensing representative assigned to monitor the licensee during the current licensure period shall evaluate the renewal application and continue to monitor the licensee unless the licensing administrator assigns these responsibilities to another staff.

- 2. The licensing office shall follow procedures in 4.1.4, section 1 for issuing a Preliminary Approval Statement to a licensee who submits a proposal for renovations to a licensed facility.
- 3. The licensing office shall follow procedures in 4.1.4, sections 5-7 for evaluating a renewal application.

NOTE: The licensing office shall follow procedures in SOP-301 for renewal studies, which include the option of using findings from multiple inspections as the basis for licensing recommendations.

4. The licensing office shall follow procedures in 4.1.5, sections 1-2 for issuing a license once the renewal application has been approved.

NOTE: The licensing office shall follow procedures in SOP-501 to revoke a current license or to recommend a denial of an application for renewed licensure.

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201-5.0 AUTHORITY

Code of Virginia § 63.2-1700, 1701, 1705, 1707, 1719-1727, 1800; 22 VAC 40-80-60 (-210); 22 VAC 42-10-10 (-80)

201-6.0 RESPONSIBILITY

The assistant director, operations manager, licensing administrators, licensing representatives, and licensing technicians shall be responsible for ensuring compliance with this standard operating procedure.

201-7.0 INTERPRETATION

The director of the Division of Licensing Programs shall be responsible for interpreting or granting any exceptions to this standard operating procedure.

201-8.0 SUPERSEDES: First Issue; replaces OIM-5 (7/98) and relevant areas of section I, chapter A of the DOLP Manual of Policy and Procedures.

201-9.0 EFFECTIVE DATE: August 2, 2005

201-10.0 REVIEW DATE: Two years from the effective date.

Reviewed and Approved by:

Carolynne H. Stevens, Director Division of Licensing Programs

Date: July 28, 2005

Appendix A

CENTRAL REGIONAL OFFICE WYTHE BUILDING, SUITE 130 1604 SANTA ROSA ROAD RICHMOND, VIRGINIA 23229-5008 804-662-9743 804-662-7023 - FAX #



COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

Thank you for your recent inquiry about becoming licensed as an operator of an assisted living facility. To assist you in this process, we suggest that you attend a pre-application/orientation session because, in addition to the licensing standards there are other local and state requirements you need to plan for. Following the conclusion of orientation you will be given an application.

The application must be **completed** and returned to our office at least 60 days prior to the proposed opening date. The application cannot be considered **complete** until all required information, including the licensing fee, is submitted. If for any reason you are unable to submit all of the required documents at one time, please indicate when the information will be available.

The licensing fee is collected annually even though your license may be issued for an extended period of up to three successive years. The Department of Social Services will bill you annually for each year of licensure.

Payment of the licensing fee may be made by personal check, money order or certified check. Cash is not an acceptable form of payment. There will be a \$15.00 service charge for any check that must be returned because of insufficient funds.

The licensing fee for the proposed capacity of your center is indicated below:

Capacity 1-12	\$14.00
Capacity 13-25	\$35.00
Capacity26-50	\$70.00
Capacity 51-75	\$105.00
Capacity 76-200	\$140.00
Capacity201 & UP	\$200.00

LICENSING FEES ARE NOT REFUNDABLE FOR ANY REASON AND ARE NOT TRANSFERABLE FROM ONE CENTER/LOCATION TO ANOTHER.

Once you attend the orientation and/or submit a completed application you **must** attend a pre-licensing training and once **all** the required information is submitted, licensing staff will contact you for an on site study.

Please contact the licensing technician Ms. Thelma Yarbrough at 662-9773 and she will schedule you for the next available pre-application/orientation session.

Please be advised that to begin operation without a license is a misdemeanor, subject to a fine or imprisonment or both. If for any reason you decide not to proceed with licensure, please write or telephone our office. Please let us know if you have any questions. The telephone number is (804) 662-9743.

Appendix B

CHRISTOPHER H. FRACHER LICENSING ADMINISTRATOR



COMMONWEALTH of VIRGINIA DEPARTMENT OF SOCIAL SERVICES

VERONA LICENSING OFFICE 68 DICK HUFF LANE P.O. BOX 350 VERONA, VIRGINIA 24482 (540) 332-2330

September 1, 2004

Jane Doe, Administrator General Nursing Home 1234 Main Street Verona, VA 24482

Dear Ms. Doe,

This will confirm receipt and review of the architectural drawing for the General Nursing Home Assisted Living Facility to be located in Charlottesville, Virginia. Andrew B. Good – Architect designed the drawing. It details a site plan for a one-story building, which will provide 24 residential units with a projected capacity of 24.

This drawing has been reviewed for the required square footage standards relevant to the residential units and they appear to meet all of the requirements. As each unit has a private bathroom all of the relevant ratios for those standards appear to be met. The designed common rooms appear to be sufficient in size to accommodate the projected capacity of the assisted living portion of the General Nursing Home. The plan indicates a building use group I-2, which will allow non-ambulatory individuals to reside at there.

Please note that the final determination for licensure is based upon an on-site investigation by the assigned licensing inspector and a review of the filed application. It will be necessary to have a certificate of occupancy for the building and to have all other required fire and health inspections completed prior to issuing a license by our Department. Tom Free has been assigned as the Licensing Inspector and he can be reached at 540-248-9692. Please contact him as the need arises.

Sincerely,

Chris Fracher Licensing Administrator, Verona Office

Appendix C

CENTRAL REGIONAL OFFICE WYTHE BUILDING, SUITE 130 1804 SANTA ROSA ROAD RICHMOND, VIRGINIA 23229-5008 804-662-9743 804-662-7023 - FAX #



COMMONWEALTH of VIRGINIA DEPARTMENT OF SOCIAL SERVICES

CONGRATULATIONS!

Enclosed is your new license which permits you to begin operation of a Family Day Home. The Central Regional Office hopes that you will be successful in operating a high quality program for children.

Please read the terms of your license carefully to be sure that the ages of the children, maximum capacity allowed and any limitations shown are consistent with the program you provide. This license should be posted in a prominent place at the entrance to your facility, as required by state code.

In applying for this license, you have accepted the responsibility for seeing that compliance with licensing standards will be maintained on an on-going basis. Your Licensing Inspector will be happy to answer any questions you have regarding the standards. Announced and unannounced monitoring visits will be made to determine continued compliance and to provide consultation. These visits may be made at any time during your hours of operation.

If, at the time of your initial licensing study, compliance could not be determined with some standards, it is expected that you will soon be able to demonstrate full compliance. If any violations were cited during your initial study, you will be expected to correct these violations within the time frame shown on the Violation Notice which you signed after the completion of the study. Your Licensing Inspector will try to visit your facility at an early date to document that corrective action has been completed.

As a state licensed child day program provider, you and your staff will be eligible to attend a number of training events scheduled in this area in the spring and fall. You will receive fliers announcing these workshops and a quarterly newsletter with information on licensing and child care issues.

Again, we congratulate you on completing the licensing process and urge you to call your Licensing Inspector if you have licensing questions or concerns. Your Licensing Inspector's business card is enclosed.

